

Attention: Tarrant County Clerk and Recorder

**OFFICIAL, ACTUAL, CONSTRUCTIVE,
AND EXPRESS NOTICE OF
UNCLEAN HANDS AND FRAUD,
TO ANY AND ALL AGENTS, OFFICERS,
EMPLOYEES AND ATTORNEYS OF LOCAL,
STATE, OR FEDERAL GOVERNMENTS!**

CA 208-1131

County of Tarrant §
State of Texas §

I, Gracie Flossie Spry, pursuant to Federal Public Law 97-280, 96 Stat. 1211 let my yea be yea, and my nay be nay, as supported by. I have personal knowledge of the matters stated herein, and hereby asseverate understanding the liabilities presented in *Briscoe v LaHue* 460 US 325.

- 1) WHEREAS, the public record is the highest form of evidence, I, Gracie Flossie Spry, am in GOOD FAITH hereby timely creating public record by affidavit as to UNCLEAN HANDS AND FRAUD along with this NOTICE OF WAIVER OF TORT PRESENTED BY AFFIDAVIT and,

**NOTICE TO:
2:02-00011-06**

UNITED STATES OF AMERICA

V.

GRACIE FLOSSIE SPRY

§
§
§
§
§

UNITED STATES
DISTRICT COURT

SOUTHERN DISTRICT OF WEST
VIRGINIA

PREFACE

"The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor - indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one."

Berger v. U.S., 295 U.S. 78, 88 (1935)

"As an attorney, it was my mandate to fight against authority when it was overbearing, abusive, or unjust, but also to respect and believe in the system. When I challenged the system it was not from disrespect; rather, it was the ultimate form of respect.

I understood then, as I do today, that absent challenge, authority becomes totalitarian. Authority needs to be challenged if we are to ensure the integrity of the process. It is one of the great truths of our system."

-- Judge Harold J. Rothwax

In this case foul blows have been struck, and absent challenge, authority becomes totalitarian, wherefore I present my good faith, timely filed as per postmark, OFFICIAL, ACTUAL, CONSTRUCTIVE, AND EXPRESS NOTICE OF UNCLEAN HANDS AND FRAUD, TO ANY AND ALL AGENTS, OFFICERS, EMPLOYEES AND ATTORNEYS OF LOCAL, STATE, OR FEDERAL GOVERNMENTS! AS PRESENTED BY AFFIDAVIT OF GRACIE FLOSSIE SPRY.

CONTEMPT – JUDICIAL NOTICE

- 1) This court WILL take judicial notice that I hold the utmost respect for the courts of this state and of this nation; however, I do distinguish between the court and an officer of the court and as to the latter, neither my respect nor my contempt is freely given; it must be earned.

OFFER OF PROOF

2) I have witnesses, evidence, and testimony in an offer of proof that officers of the court a) Defrauded me absent Constitutional authority, in part by cunningly coercing me to plea into non-existent criminal matter by means of deception, under threat and duress, b) Plea bargains do not exist in the Constitution, a trial and the presentation of evidence remains the required process c) Conviction absolutely requires evidence of a crime and the evidence does not exist, d) Lacked jurisdiction ab initio, e) Knew or should have known that Title 18 is void and that 18 USC § 546 (1940) deprived the district court of jurisdiction over any alleged crimes other than Title 18 crimes, and deprived the district court of jurisdiction over Title 18 crimes after 1940 due to the Fair Warning Doctrine, f) Have withheld exculpatory evidence to facilitate the alleged conviction, g) Denied due process voiding any and all alleged jurisdiction if they ever had any, h) Proceeded absent Article III judge, i) Lacked Territorial Jurisdiction; j) Acted without a Grand Jury proceeding ratified by concurrence form; k) Acted to deny Due Process (Notice and Opportunity to be heard) without benefit of hearing, response, or discovery; m) Are acting with UNCLEAR HANDS, evidenced in part by UNCONSTITUTIONAL BILL OF ATTAINDER, CIVIL FORFEITURE, n) lack sufficient years in their lives to do the prison time they have so diligently earned.

3) The court cannot refuse an offer of proof.

4) Upon evidencing the essential facts, it will be plain and clear that the case against me must be totally stricken from the record, restoring me in every way possible to my condition prior to the inland piracy attack.

5) *"Allegations such as those asserted by petitioner, (a pro se litigant), however inartfully pleaded, are sufficient to call for the opportunity to offer supporting evidence. Accordingly, although we intimate no view on the merits of petitioner's allegations, we conclude that he is entitled to an opportunity to offer proof."*

Haines v. Kerner, 404 U.S. 519, 522

6) Pursuant to *Haines v. Kerner*, I hereby **DEMAND A SHOW CAUSE HEARING** in order that the truth be ascertained and proceedings justly determined as per the Rules of Evidence, Rule 102.

WAIVER OF TORT AS TO FUTURE UNCONSTITUTIONAL ACTS

7) WHEREAS, the public record is the highest form of evidence, I, Gracie Flossie Spry, am in GOOD FAITH hereby timely creating public record by affidavit as to UNCLEAN HANDS AND FRAUD along with this NOTICE OF WAIVER OF TORT PRESENTED BY AFFIDAVIT OF Gracie Flossie Spry and,

8) WHEREAS, ~~service upon the principal is service upon the agent and~~ service upon the agent is service upon the principal, all necessary parties, including but not limited to ALL members/agents of local, state, and federal governments, are hereby provided due process Notice and Opportunity and,

9) WHEREAS, this document provides appropriate notice to alleged local, state, and federal governments making the personnel responsible, and potentially personally liable, for the unlawful conduct of alleged officials and employees, made especially serious since ultra vires activity can result in dissolution of the charter pursuant to quo warranto and,

10) WHEREAS, once due process is denied ALL jurisdiction ceases as per your own 5 USC § 556(d), 557, 706 wherefore any alleged jurisdiction has already been voided by the various denials of due process witnessed, documented, and evidenced as I have suffered a litany of abuse in this matter and,

11) WHEREAS, once due process is denied all jurisdiction ceases as per your very own 5 USC §§ 556(d), 557, 706. Judges have no immunity as per your very own Owen v. City of Independence, 100 S Ct. 1398; Maine v. Thiboutot, 100 S. Ct. 2502; and Hafer v. Melo, 502 U.S. 21; judges are deemed to know the law and sworn to uphold the law; judges cannot claim to act in good faith in willful deprivation of law, they certainly cannot plead ignorance of the law, even the citizen cannot plead ignorance of the law, it

is ludicrous for a learned judge to plead ignorance of the law therefore there is no judicial immunity in matters of rights secured by The Constitution of the United States of America. See: Title 42 USC § 1983 and Federal Tort Claims Act exception for unconstitutional acts, as well as 18 USC §§ 241/242.

12) WHEREAS, the alleged government has subjected me to unreasonable and unlawful abuse; wherefore, based upon past experience, I can expect to be maliciously arrested without lawful presentment of a Fourth Amendment warrant and affidavit again to be abused by an international tyranny, perhaps even murdered and,

13) WHEREAS, I cannot be lawfully arrested repeatedly on the same matter nor can I be lawfully arrested for failure to appear or contempt of court absent a properly established contract to appear in court OR ANYWHERE ELSE, especially since the system is voluntary and I have not volunteered to be abused by the alleged government or its extortion system, wherefore any further arrest and abuse based on matters from the past, or even future unreasonable warrantless arrests absent a breach of the peace, will be torts executed by specific intent as a matter of unlawful custom and policy, under color of law, as religious persecution and,

14) WHEREAS, absent mens rea, I have been unlawfully incarcerated from 2001 to 2008 for a total of 2555 days and subjected to an awesome amount of unlawful abuse on the mere speculation of a crime, persecuted by tortfeasors who are currently attempting to use their own FRAUD to cover up their criminal activities which they are perpetrating by means of unlawful Bill of Attainder and,

15) WHEREAS, neither the state nor federal Constitutions make any provision for plea bargains, so conviction requires evidence and the appropriate constitutional due process trial record and,

16) WHEREAS, I have the RIGHT to remain silent and secure my private property, including but not limited to my fingerprints and photographs, as supported by:

a) The First Article in Amendment to the Constitution for the United States of America which secures the RIGHT to free speech and simultaneously the' right to not speak.

b) The Fifth Article in Amendment to the Constitution for the United States

of America which secures the RIGHT whereby I cannot be, compelled to be a witness against myself.

c) The mandatory Miranda warning itself, in the very first line makes it plain and clear that I have the RIGHT to remain silent.

d) The Supreme Court of the United States of America has already determined in the landmark case of Brown v. Texas, 443 U.S. 47 (1979) that even an individual in a high drug trafficking area who looked suspicious and who refused to produce identification could not lawfully be stopped and questioned.

e) I have a RIGHT to rely upon the laws of the united States of America, with the Constitution being the SUPREME LAW, as well as the rulings of the Supreme Court of the United States of America.

f) I have a substantive RIGHT to justice and 28 USC § 2072(b), as applied to the state through the 14th Amendment and further supported by Article 1 section 19 of the Texas Constitution, provides that the "RULES" cannot abridge my substantive RIGHTS and indeed it is not harmless error to deprive me of substantive RIGHTS.

g) My RIGHTS cannot lawfully be converted to privileges over my objection and against my will in order to be licensed, taxed, and regulated.

h) It is plain and clear that it will be a matter of FRAUD to convert my claim of RIGHTS to an offense or any manner of deviant behavior in support of any claim of criminal activity or mental incompetence.

17) WHEREAS, I hereby give notice of waiver of tort in favor of an implied contract wherefore the alleged local, state, and federal governments and their employees and agents and all others notified are provided with plain and clear notice that any violation of my substantive, unalienable, perfect rights will be taken very seriously, whereby said violations will be acceptance of the contract herein offered for one million (1,000,000.00) dollars gold (31 USC § 5112) per right, per day, with no bulk discounts for wholesale violations of my rights. My rights are actually priceless to me HOWEVER I am forced to, put this matter in plain and clear terms in order for the tortfeasors to understand their liability so we do not have to endure whining and crying about the bill, you now know what it will cost in advance if you violate rights so GOVERN YOURSELVES ACCORDINGLY and,

18) WHEREAS, some might be inclined to say the monetary sum is excessive and that a jury might not award such an amount HOWEVER the alleged local, state, and federal governments and their employees and agents have the choice to violate the law or not to violate the law and by

means of this document the terms and conditions are made plain and clear wherefore it will be a very simple contract matter in the event of tort and,

19) WHEREAS, the alleged local, state, and federal governments and their employees and agents acting ultra vires, under color of law and color of office, acted in collusion to place my body in a prison by specific intent knowing that I would be damaged and stigmatized for life by means of a criminal record and prison stay and,

20) WHEREAS, I have already been abused by agents of the government who cunningly coerced a plea, so I reserve the right to seek compensation as per the terms and conditions of the waiver of tort presented above AND/OR for triple damages pursuant to the RICO statutes, 18 USC § 1961 et seq. Furthermore, failure of the alleged local, state, and federal governments and their employees and agents to obey the law will have legal consequences of an extremely serious nature.

21) In bad faith, and with unclean hands numerous "public servants" have committed violations of constitutional rights while in office, as evidenced by the fact that incarceration rates adjusted for population here in America are some 600% higher than China or Canada. Americans are not genetically predisposed to be criminals.

NOTICE OF UNLAWFUL CIVIL FORFEITURE TRIGGERING WAIVER OF TORT

22) From the irrefutable facts and law herein, I show the judgment against me, is a void judgment, *ab initio*. Quoting from *50 Corpus Juris Secundum*, JUDGMENT, §546, pp. 101-102:

"A void judgment is one that has merely the semblance of a judgment without some essential element or elements on which its validity as such depends. A judgment is void when granted in contravention of a mandatory statutory provision, or rendered by a court which lacked personal or subject matter jurisdiction, or acted in a manner inconsistent with due process. A final judgment rendered by a court of competent jurisdiction over the subject matter and parties involved may be erroneous and voidable, but it cannot be void."

"A judgment is void on its face when that fact appears affirmatively from its inspection of the judgment roll, and it has been held that a judgment is void only where the invalidity appears on the face of the record.

"A judgment which is void, as distinguished from one which is merely voidable, or liable to be vacated or set aside for irregularity or other cause, or reversed for error, is a mere nullity. It has no force or effect, and is incapable of confirmation or ratification. A void judgment is not binding on anyone; it raises no lien, or estoppel; and it does not impair or affect the rights of anyone. It confers no rights on the party in whose favor it is given, and affords no protection to persons acting under it; and it does not even operate as a discontinuance of the action.

"A void judgment, unlike one which is merely erroneous or voidable, is not entitled to any respect or deference by the courts, but may be attacked at any time by anyone, including the party in whose favor it is given, and may be impeached in any action, direct or collateral. It is not necessary to take any steps to vacate or avoid a void judgment; it may simply be ignored. All subsequent actions predicated on a void judgment are tainted by the judgment's nullity and are similarly without effect. A valid judgment may be entered subsequently in disregard of the void judgment."

23) The U.S. Congress, dominated by BAR TERRORISTS, has enacted such civil forfeiture legislation **permitting and encouraging** arbitrary and capricious **operation of the Federal government in inland piracy and criminal syndicalism** thereby partaking of the character of constitutionally prohibited **"Bills of Attainder,"** or **"Bills of Pains & Penalties"** in flagrant breach of **Article I, §§ 9 and 10, U.S. Constitution.**

24) Federal civil forfeiture laws, invoked in connection with, and in addition to alleged criminal convictions purportedly for restitution for the costs of punishment, and in addition thereto, in their operation and effect, **AMOUNT TO DOUBLE JEOPARDY,** and impose **criminal punishment and disability through deprivation incorporating an empirical judgment of, and inflicting deprivation of antecedent, unalienable rights to life, liberty, and property on the American people, all within the constitutional prohibition of bills of attainder, or bills of pains &**

penalties. (See United States v. Brown, 85 S.Ct. 1707, citing Cummings v. State of Missouri, 4 Wall, 277, 317, 320, 18 L.Ed. 3566).

25) I hereby show the purported purpose of the legislation becomes irrelevant because of the aforesaid inevitable effect wrought by the statutory, regulatory revenue enhancement scheme's necessary scope and operation abridging my rights, and the rights of my fellow Americans protected by State and Federal Constitutions as set forth herein.

FACTS

26) I, Gracie Flossie Spry, who received the repeatedly unlawful denial of her right to be heard by the court beginning on October 9, 2001 and continuing until today, 2008, have a firm, good faith reliance that officers of the court have executed oaths to support both State and Federal Constitutions, and to uphold the law. I have a firm, good faith reliance that officers of the court are educated, trained, paid, and sworn to uphold the law. Officers of the court are required to report criminal activity as promptly as they become aware of it. I have been defrauded by officers of the court by specific intent, since they have no excuse such as ignorance of the law.

27) The Constitution guarantees a republican form of government, however I have been defrauded by pettifogger shysters groveling for filthy lucre utilizing democratic, a/k/a "Mob Rule" statutes, depriving me of my right in an attempt to overthrow the Constitution of The United States of America in the nature of sedition and treason.

28) Acting in felony breach of fiduciary duty, officers of the court have acted in a criminal conspiracy to take private property without just compensation, violating by specific intent the Fifth Amendment to the Constitution of The United States of America, taking fingerprints and photographs by force or imminent threat of physical violence from people entitled to the presumption of innocence, providing said fingerprints and photographs to a NAZI organization known as INTERPOL, and denying the victims of such egregious conduct the just compensation to which they are properly entitled. It is plain and clear that said violations of the Constitution are but one facet of the B.A.R. TERRORISTS acting in collusion to overthrow the Constitution of The United States of America in the nature of sedition and treason.

29) The cornerstone to due process is **notice** and **opportunity**. Absent proper notice an accused may be absolutely deprived of the opportunity to defend. Lies, fraud, deceit, shyster shenanigans, and other treachery fail as to proper notice.

30) Once due process is denied all jurisdiction ceases as per your very own 5 USC §§ 556(d), 557, 706. Judges have no immunity as per your very own *Owen v. City of Independence*, 100 S. Ct. 1398; *Maine v. Thiboutot*, 100 S. Ct. 2502; and *Hafer v. Melo*, 502 U.S. 21; judges are deemed to know the law and sworn to uphold the law; judges cannot claim to act in good faith in willful deprivation of law, they certainly cannot plead ignorance of the law, even the citizen cannot plead ignorance of the law, it is ludicrous for a learned judge to plead ignorance of the law therefore ~~there is no judicial immunity in matters of rights secured by the Constitution~~ of the United States of America. See: Title 42 USC § 1983 and Federal Tort Claims Act exception for unconstitutional acts, as well as 18 USC §§ 241/242.

31) The Declaration of Independence provides that all men are created equal and that men created government to secure the rights of men.

32) Pursuant to the Declaration of Independence, attorneys acting as quislings* attempting to overthrow the Constitution of The United States of America in the nature of sedition and treason cannot claim to be more equal than myself. In other words, their purported claims to titles of nobility and immunity fail to be anything but evidence of being intoxicated with delusions of grandeur requiring professional mental health care, or in the case of the incorrigible, closely supervised activity such as breaking rocks on the chain gang.

* quisling \ n: a traitor who collaborates with the invaders of his country, especially by serving in a puppet government.
Webster's New Collegiate, Seventh Edition (1961)

33) It is plain and clear that the First Amendment provides "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...". Federal Public Law 97-280, 96 Stat. 1211 provides that

the Bible is the Word of God and plainly declares that we should apply its teaching in our lives, and I was and am doing so.

34) Judge Edith Jones of the U.S. Court of Appeals for the Fifth Circuit, told the Federalist Society of the Harvard Law School on February 28, 2003 "The first 100 years of American lawyers were trained on Blackstone, who wrote that: 'The law of nature ... dictated by God himself ... is binding ... in all counties and at all times; no human laws are of any validity if contrary to this; and such of them as are valid derive all force and all their authority ... from this original.'"

35) "One witness shall not rise up against a man for any iniquity, or for any sin, in any sin that he sinneth: at the mouth of two or more witnesses, or at the mouth of three witnesses, shall the matter be established. If a false witness rise up against any man to testify against him that which is wrong; ~~Then both the men, between whom the controversy is, shall stand before~~ the Lord, before the priests and judges, which shall be in those days; And the judges shall make diligent inquisition: and, behold, if the witness be a false witness, and hath testified falsely against his brother; Then shall ye do unto him as he had thought to have done unto his brother: so shalt thou put the evil away from among you. And those which remain shall hear, and fear, and shall henceforth commit no more any such evil among you. And thine eye shall not pity; but life shall go for life, eye for eye, tooth for tooth, hand for hand, foot for foot."

Deuteronomy 19:15-21

CONCLUSION

36) During World War II, Winston Churchill made a list of some 50 Germans declaring that upon confirmation of identification, summary execution was appropriate. President Roosevelt agreed. Stalin, on the other hand, declared that the men listed must have a trial. In the instant case, prosecutor Paul T. Camilletti, and prosecutor Thomas O. Mucklow, acting in collusion, opposed giving me a trial, requiring the presentment of actual evidence, and favored summary sentencing via cunningly coerced plea bargain, which is no bargain at all. In other words, they would not give me the due process consideration that Stalin, a reputed despotic tyrant, would give me.

37) "If you are determined to execute a man in any case, there is no occasion for a trial; the world yields no respect to courts that are merely organized to convict."

Robert H. Jackson, United States Prosecutor at Nuremberg

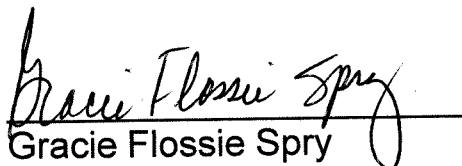
38) "An avidity to punish is always dangerous to liberty. It leads men to stretch, to misinterpret, and to misapply even the best of laws. He that would make his own liberty secure must guard even his enemy from oppression; for if he violates this duty he establishes a precedent that will reach to himself." Thomas Paine

39) I am not an expert in the law however I do know right from wrong. If there is any human being damaged by any statements herein, if he will inform me by facts I will sincerely make every effort to amend my ways. I hereby and herein reserve the right to amend and make amendment to this document as necessary in order that the truth may be ascertained and proceedings justly determined. If the parties given notice by means of this document have information that would controvert and overcome this Affidavit, please advise me IN WRITTEN AFFIDAVIT FORM within thirty (30) days from receipt hereof providing me with your counteraffidavit, proving with particularity by stating all requisite actual evidentiary fact and all requisite actual law, and not merely the ultimate facts or conclusions of law, that this Affidavit Statement is substantially and materially false sufficiently to change materially my status and factual declarations. Your silence stands as consent to, and tacit approval of, the factual declarations herein being established as fact as a matter of law.

28 USC § 1746(1)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signed on this the 2nd day of the 9th month in the year of our Lord and Savior two thousand eight.


Gracie Flossie Spry

PRO SE

CERTIFICATE OF SERVICE

On this, the 22nd day of September, 2008, a true and correct copy of the foregoing was served on the attorney of record,

Gracie Flossie Spry
Gracie Flossie Spry

I certify under the penalty of perjury pursuant to 28 USC § 1746 the statements herein are true and correct, I have personal knowledge of those statements, and am above the age of 18, this ____ day of the 9th month, in the year of our Lord and Savior two thousand eight under the penalty of perjury.

Gracie Flossie Spry
Gracie Flossie Spry

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was hand delivered or sent by mail, postage prepaid, to opposing parties this the 22nd day of the ninth month in the year of our Lord and Savior two thousand eight.

Gracie Flossie Spry
Gracie Flossie Spry

Gracie F. Spurg
06523-088
Fmc. Carswell / Fmc
08 bnp 27137
Ft. Worth TX 76127

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